

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELLE NGUYEN, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No.: 5:23-cv-04999-PCP

**JOINT MOTION TO AMEND CASE  
MANAGEMENT ORDER**

Judge: Hon. P. Casey Pitts

Pursuant to Fed. R. Civ. P. 16(b) and this Court’s Standing Order for Civil Cases No. VI, Plaintiff Elle Nguyen, individually and on behalf of all others similarly situated, (“Plaintiff”) and Defendant Bank of America, N.A. (“Defendant”) (collectively, the “Parties”), respectfully move this Court to amend the current Case Management Order (Doc. 31). In support of the motion, the Parties state as follows:

1. On May 24, 2024, the Court entered the Case Management Order currently operative in this case. Doc 33. It provided for, *inter alia*, a deadline of September 13, 2024 for designation of expert witnesses and amendments to the pleadings.

2. To date, the Parties have expended substantial time and resources working toward a negotiated resolution of this case. To wit, On February 1, 2024, the Parties attended mediation with Hon. Jay C. Gandhi (Ret.) at the JAMS Dispute Resolution Center in New York, NY. In addition to the instant case, the parties also mediated three additional wage and hour cases, *Coluzzi et al. v. Bank of America, N.A.*, Case No. 1:23-cv-06885-LGS (S.D.N.Y.); *Bolanos et al. v. Bank of America, N.A.*, Case No. 3:23-cv-04027-JCS (N.D. Cal.); and *March v. Bank of America, N.A.*, Case No. 2:23-cv-02360-EFM-TJJ (D. Kan.).

3. The Parties subsequently attended a second mediation with Jeffrey Fuchsman June 10, 2024 in Los Angeles, CA.

4. Throughout this process, the Parties have been engaging in an ongoing, informal exchange of documents and information for purposes of settlement discussions.

5. To facilitate this informal process, Plaintiff has agreed to substantial extensions of time for Defendant to respond to written discovery requests. Specifically, Plaintiff initially served her First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission on April 9, 2024, and by agreed extension, has not yet received responses.

6. As a result, the Parties agree that September 13, 2024 deadline for designation of experts and amendment of pleadings set out Case Management Order are no longer feasible and should be modified, such that Plaintiff would have the benefit of initial discovery to determine whether there is a need to amend her pleadings, and whether expert testimony may be required.

7. These two proposed changes will not impact any of the other deadlines in the Case Management Order.

8. The Parties therefore request that the Court enter an Amended Case Management Order establishing the deadlines set out in the table below:

Event	Current Deadline (Doc. 33)	Proposed Deadline
Completion of Initial ADR Session	June 10, 2024	June 10, 2024 (no change)
Joinder and Other Amendments	September 13, 2024	December 20, 2024.
Designation of Experts	September 13, 2024	February 21, 2025
Fact Discovery Cutoff	June 2, 2025	June 2, 2025 (no change)
Expert Discovery Cutoff	June 2, 2025	June 2, 2025 (no change)
Briefing Schedule for Class Certification	Motion by January 15, 2025 Opposition by February 14, 2025 Reply by March 7, 2025 Hearing on March 20, 2025	Motion by January 15, 2025 Opposition by February 14, 2024 Reply by March 7, 2025

		Hearing on March 20, 2025 (no change)
Briefing Schedule for Dispositive Motions	Motion by June 16, /2025* Opposition by July 16, 2025 Reply by August 6, /2025 Hearing on August 21, /2025 *The parties reserve the right to move for summary judgment earlier should they choose to do so.	Motion by June 16, /2025* Opposition by July 16, 2025 Reply by August 6, /2025 Hearing on August 21, /2025 *The parties reserve the right to move for summary judgment earlier should they choose to do so. (no change)
Pretrial Conference	November 18, 2025	November 18, 2025 (no change)
Trial	January 26, 2026	January 26, 2026 (no change)

8. Pursuant to Fed. R. Civ. P. 16(b)(4), good cause exists to grant this Joint Motion as set out herein. Further, this request is made in good faith and not for the purpose of causing undue delay and will not result in prejudice to any party or require the postponement or adjustment of the trial setting.

9. A separate Stipulation and Proposed Order is attached hereto as Exhibit 1.

WHEREFORE, the Parties respectfully request this Court grant their Joint Motion to Amend Case Management Order as set forth herein.

1 Dated: September 12, 2024

Respectfully submitted,

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